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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PATENT AND A PENDING  
SECOND APPLICATION**

Docket Number (Optional)  
MERCK-2781

In re Application of: Michael HECKMEIER et al.

Application No. 10/673,909

Filed: September 30, 2003

For: LIQUID-CRYSTALLINE MEDIUM

The owner\*, Merck Patent GmbH of 100 percent interest by virtue of an assignment document recorded on February 24, 2004 (Reel 015007/Frame 0403), in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/792,561, filed on March 5, 2004, and of U.S. patent 7,056,561, granted on June 6, 2006. The owner hereby agrees that the patent granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application and the above-mentioned patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application or the above-mentioned patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such patents: expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Signature

8/23/2006  
Date

John A. Sopp, Reg. No. 33,103  
Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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